

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF WASHINGTON  
3 AT SEATTLE

3 UNITED STATES OF AMERICA, ) NO.  
4 Plaintiff, )  
5 v. ) INDICTMENT  
6 RAYMOND SECENA, JR., )  
7 and )  
8 ALBERT ORTIVEZ, III, )  
9 Defendants. )  
10 \_\_\_\_\_ )

11  
12 THE GRAND JURY CHARGES THAT:

13 COUNT 1

14 (Dealing in Explosive Materials Without a License)

15 On or about July 1, 2001, at or near the city of Oakville, within the Western District of  
16 Washington, RAYMOND SECENA, JR., and ALBERT ORTIVEZ, III, did knowingly engage in  
17 the business of dealing in explosive materials without a license to do so issued under chapter 40  
18 of Title 18, United States Code, and did aid and abet therein, in that they operated a fireworks  
19 stand from which they knowingly sold the following explosive devices: one "M-5000," one "M-  
20 500," one "M-250," one "M-100," one tennis ball explosive device, and one ping-pong ball  
21 explosive device.

22 All in violation of Title 18, United States Code, Sections 842(a)(1), 844(a), and 2.

23 COUNT 2

24 (Unlawful Storage of Explosive Material)

25 On or about July 1, 2001, at or near the city of Oakville, within the Western District of  
26 Washington, RAYMOND SECENA, JR., did knowingly store, and aid and abet the storage of,

27 INDICTMENT/SECENA - 1

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1 explosive material in a manner not in conformity with regulations promulgated by the Secretary  
2 of the Treasury and his delegate, in that RAYMOND SECENA knowingly stored explosives  
3 (including one "M-5000," one "M-500," one "M-250," one "M-100," one tennis ball explosive  
4 device, and one ping-pong ball explosive device) in his fireworks stand and nearby trailer, which  
5 fireworks stand and trailer did not conform with the requirements for Type 1, Type 2, and Type 3  
6 magazines, including the requirements for construction and location of those magazines.

7 All in violation of Title 18, United States Code, Sections 842(j), 844(b) and 2, and Title  
8 27, Code of Federal Regulations, Section 55.201 et seq.

9 COUNT 3

10 (Receipt and Delivery of a Banned Hazardous Substance)

11 On or about July 1, 2001, at or near the city of Oakville, within the Western District of  
12 Washington, RAYMOND SECENA, JR., and ALBERT ORTIVEZ, III, did receive in interstate  
13 commerce a banned hazardous substance and did deliver and proffer delivery thereof for pay and  
14 otherwise, and did aid and abet therein, in that they received in interstate commerce one "M-  
15 5000," one "M-500," one "M-250," one "M-100," one tennis ball, one ping-pong ball, and two  
16 other devices, which devices each contained a component from outside of the state of  
17 Washington, and were banned hazardous substances in that they were fireworks devices intended  
18 to produce an audible effect by a charge of more than two grains of pyrotechnic composition,  
19 and RAYMOND SECENA, JR., and ALBERT ORTIVEZ, III, sold these devices at a fireworks  
20 stand to an individual for two hundred and twenty-five dollars.

21 All in violation of Title 15, United States Code, Sections 1263(c) and 1264(a), Title 18,  
22 United States Code, Section 2, and Title 16, Code of Federal Regulations, Section 1500.17(a)(3).

23 A TRUE BILL:  
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25 \_\_\_\_\_  
26 FOREPERSON

JOHN MCKAY  
United States Attorney

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